

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ERIK D. ANDREWS, Plaintiff,	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
SCOTT W. SEALES, Defendant.	:	No. 11-CV-1967
	:	

ORDER

AND NOW, this **18th** day of **July, 2012**, upon consideration of Defendant's Motion for Summary Judgment (doc. 27), Plaintiff's response in opposition thereto, and Defendant's reply, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED as follows:

1. The motion is **GRANTED** with respect to Plaintiff's claims that Defendant violated his First and Fifth Amendment rights.
2. The motion is **GRANTED** with respect to Plaintiff's claim that Defendant violated his Fourth Amendment rights by using a TASER device in response to Plaintiff's flight.
3. The motion is **DENIED** with respect to Plaintiff's claim that Defendant violated his Fourth Amendment rights by pushing his face into the ground while handcuffing him. The case will proceed to trial as scheduled on this claim only.

BY THE COURT:

/s/ Timothy R. Rice
HONORABLE TIMOTHY R. RICE
United States Magistrate Judge